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Attorney for Defendant,
Caleb Eller

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CALEB ELLER,

Defendant.

CASE NO.: 21-CR-311 YGR

**DEFENDANT'S SENTENCING
MEMORANDUM**

Date: November 20, 2025

Time: 1:00 pm

Judge: Hon. Yvonne Gonzalez Rogers

I. INTRODUCTION

Defendant Caleb Eller respectfully submits this memorandum to assist the Court in fashioning an appropriate sentence in this case. As discussed below, Mr. Eller respectfully requests that the Court impose a sentence of 24 months to run concurrent to his 3-year state prison sentence in state court docket number KA124978. Mr. Eller respectfully requests that pursuant to U.S.S.G. § 5G1.3(b) that the Court reduce the imposed term to 17 months to account for the seven months he has been in federal custody by way of a Writ of Habeas Corpus ad Prosequendum.

Mr. Eller will plead guilty to Count 1, Conspiracy to Commit Hobbs Act Robbery, in violation of 18 U.S.C. §§ 1951(a). Probation has calculated an adjusted offense level 18, Criminal History Category V, with an advisory guidelines range of 51-63 months. *See*

1 Presentence Report (“PSR”) at ¶ 37 and Sentencing Recommendation. Probation and the
 2 Government recommend that the Court sentence Mr. Eller to 24 months. Mr. Eller agrees with
 3 the 24-month recommendation and asks that the Court run his sentence concurrent with the 3-
 4 year state prison sentence he is currently serving and account for the seven months of federal
 5 custody that he will not be credited with through the Bureau of Prisons.

6 Mr. Eller respectfully submits that a full consecutive 24 month custodial sentence is not
 7 necessary to satisfy the sentencing factors enumerated in 18 U.S.C. § 3553, and asks that the
 8 Court consider the following to grant a variance to impose a 24 month sentence: 1) Mr. Eller’s
 9 personal history and characteristics, including his traumatic childhood, familial dysfunction, and
 10 history of abusive relationships; 2) Mr. Eller’s post-offense rehabilitation, including his work in
 11 the community and post arrest conduct. Based on these factors, Mr. Eller respectfully requests
 12 this Court sentence him to 24 months concurrent to his state prison sentence.

13 **II. BACKGROUND**

14 United States Probation has sufficiently detailed the nature and circumstance of the
 15 offense and Mr. Eller’s personal history and characteristics in the PSR prepared in this matter.
 16 See PSR ¶¶ 11-23; 51-73. Accordingly, the defense will forgo a recitation of those factors here.

17 **III. ARGUMENT**

18 **A. The Factors Enumerated in 18 U.S.C. § 3553(a) Support A Sentence of 24 Months**

19 It is well-settled that this Court has authority and responsibility to exercise its discretion
 20 to weigh the factors set forth at 18 U.S.C. § 3553(a) to fashion a reasonable and appropriate
 21 sentence that comports with the purposes of criminal sentencing. *United States v. Booker*, 543
 22 U.S. 220 (2005). While the Guidelines are to be respectfully considered, they are but one factor
 23 among many to be taken into account in arriving at an appropriate sentence. *United States v.*
 24 *Carty*, 520 F.3d 984, 991 (9th Cir. 2008) (en banc). While giving due consideration to the
 25 Guidelines, the Court has the independent authority and responsibility to consider all of the
 26 factors identified in § 3553(a) and to ensure that the sentence is “sufficient, but not greater than
 27 necessary” to serve the goals outlined in subsection (a)(2).
 28

1 **1. Mr. Eller's Personal History and Characteristics Supports a Variance**

2 Mr. Eller's personal history and characteristics are factors for the Court to consider in
3 fashioning a fair and just sentence. *See* 18 U.S.C. § 3553(a)(1). His post-offense rehabilitation
4 and his efforts to overcome the damage resulting from repeated instances of trauma and abuse,
5 all support a decision to impose a sentence of 24 months.

6 **2. Mr. Eller's Post-Offense Rehabilitation Supports a Variance**

7 Post-offense rehabilitation has always been a recognized basis for a downward departure.
8 *See, e.g., United States v. Tzoc-Sierra*, 387 F.3d 978 (9th Cir. 2004). Similarly, post-offense
9 rehabilitation can be the basis for a downward variance. *See Gall v. United States*, 552 U.S. 38,
10 45-46 (2007). The underlying offense in this matter occurred in late 2018. The underlying state
11 offense for which Mr. Eller is currently serving a 3-year sentence occurred on July 13, 2020. Mr.
12 Eller was arrested on the federal offense December 20, 2023 and was released on supervision
13 January 2, 2024. The state warrant did not appear in the system until September 7, 2024 at which
14 time he was arrested and sent to state court in El Monte, California. Since July of 2020, it
15 appears that Mr. Eller had minimal contact with law enforcement and began turning his life
16 around. He became involved in a significant relationship with his fiancé Amanada Olmedo. He
17 began obtaining employment. He was involved in counseling young men through the CURYJ
18 program. He started an online business with his partner. He was well into the process of leading
19 a law abiding life and putting his criminal past behind him when he was arrested on the federal
20 warrant. During the nine months he was on pretrial release, before being arrested on the old state
21 warrant, he was in compliance and doing extremely well.

22 **3. Mr. Eller's Traumatic and Disadvantaged Childhood Supports a Variance**

23 A defendant's lack of guidance as a youth or disadvantaged background may be
24 mitigating factor which renders him less culpable. *See, e.g., United States v. Floyd*, 945 F.2d
25 1096 (9th Cir. 1991); *Landrigan v. Schriro*, 441 F.3d 638, 648 (9th Cir. 2006). Additionally, "it
26 requires no citation to authority to assert that children who are abused in their youth generally
27 face extraordinary problems developing into responsible citizens." *Santosky v. Kramer*, 455 U.S.
28 745, 789 (1982). Mr. Eller's childhood was less than desirable. He was physically and sexually

abused growing up. Mr. Eller's childhood trauma is accurately captured in the PSR at ¶¶ 52-53. This factor supports a variance.

4. The Need to Avoid Unwarranted Sentencing Disparities Supports a Variance

Under 18 U.S.C. § 3553(a)(6) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct supports a variance to 24 months. All of Mr. Eller's codefendants have been sentenced to terms ranging from time served to 24 months and each of those codefendants were charged with two additional counts for conspiring to murder and assault a suspected informant. Sentencing Mr. Eller to greater than 24 months would be disproportionate to his relative conduct.

5. The Court Should Adjust Mr. Eller's Sentence to Account for his Seven Months of Lost Credit

A federal defendant who is produced in federal court from state custody via a KA124978 does not automatically receive federal custody credit for that time if the time is credited toward their sentence. The court may, under U.S. Sentencing Guideline section 5G1.3, fashion the federal sentence to run concurrently with the state sentence or adjust the length of the federal sentence to account for the time already served in state custody that the BOP will not credit.

In the present case, if at the time of sentencing, the Court runs the federal sentence concurrent to the state sentence, Mr. Eller's credits on the federal sentence will start on November 20, 2025. When Mr. Eller signed the plea agreement on April 18, 2025, it was anticipated that he would be quickly sentenced. Unforeseen circumstances have pushed the sentencing out to November 20, 2025, potentially depriving him of seven months of federal credit.

If the Court were to adopt the Defendant's request to adjust his sentence to 17 months, sample language on the judgment and commitment order should read: **"Pursuant to U.S.S.G. § 5G1.3(b), the imposed term is 17 months, adjusted from 24 months, to account for Defendant's confinement from April 10, 2025 until November 20, 2025, in relation to the California State case, docket number KA124978, that would not otherwise be credited by the Bureau of Prisons."**

1 It is anticipated that if the Court runs Mr. Eller's case concurrent, he will still have
2 additional time to serve in federal custody after the conclusion of his state court sentence.

3 Attached, as Exhibit "A", for the Court's consideration are character letters from his
4 employer, members of CURYJ, friends, colleagues, and photographs of Mr. Eller engaging in
5 volunteer services and a photograph with his fiancé.

6 **CONCLUSION**

7 For the foregoing reasons, the defense respectfully requests that the Court adopt
8 Probation's recommendation and the United States' recommendation and sentence Mr. Eller to
9 24 months, adjusted to 17 months, with the further request that the sentence be run concurrent to
10 the state prison sentence he is currently serving.

11
12 Dated: November 10, 2025

Respectfully submitted,

13
14 /s/ Bruce C. Funk

15 BRUCE C. FUNK, Attorney for
16 Defendant Caleb Eller
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EXHIBIT “A”



To Whom It May Concern:

September, 11, 2024

My name is Michael Muscadine. I'm the manager of the violence interrupting program and Men's Warrior Circle programming and co-founder here at Community United for restorative youth Justice (CURYJ).

I would like to bring to your attention that Mr Caleb Eller-Cardinas has been actively attending our block parties, and participating in our program since November 2023 here in East Oakland Ca. He has been showing up to movie's hike's with the youth of Oakland and showing them. Positive Impact of Mentorship.

I would like to highlight the positive influence and support that he has provided as a mentor to several individuals within our group by volunteering, ranging in ages from 14 to 64 years old. His guidance has been inspirational and has benefitted all those involved.

Mr Cardinals also is involved in supporting and volunteering with our food distribution events every Tuesday at Bike's For Life, where we provide meals to families in need in Oakland, California.

Thank you for your attention to this matter.

Michael Muscadine
Manager of the Violence Interrupting Program.
510-239-6680

Dream Beyond Bars. It Takes CURYJ.

June 24th, 2024

RE: Caleb Eller - Support letter

Dear Your Honor,



My name is Rocky Hunt, and I am writing in strong support for Mr. Caleb Eller. I am the participatory defense coordinator for an organization called **Communities United for Restorative Youth Justice (CURYJ)** based in Oakland. **CURYJ** primarily supports system-impacted youths and young adults in helping them heal from traumatic experiences such as neighborhood violence, drug abuse, and incarceration.

I have come to know Mr. Caleb Eller personally over the past year. There is so much I can say about him but what I really want to share with you Your Honor is the daily impact Mr. Caleb Eller has been having on our youth here in the fruitvale community of Oakland, California.. As a former lifer who spent 24 years in prison, I know that it takes everybody in their own time to grow and mature, to learn how to process their trauma and grow into the person they were meant to be. I believe Mr. Caleb Eller is at that point in his life and we here at **CURYJ** could not be more proud of his growth and healing journey. I watch how the youth listen when Mr. Caleb Eller speaks because he has been where all our youth are navigating through today here in Oakland and how he has managed to not only turn his life around, but also become a very successful business man with his own business. Mr. Caleb Eller has learned to transform his trauma and our youth can see it is possible now through Mr. Caleb Eller.

CURYJ also has a **Men's Warriors Circle** which is a mix of both adults and Youth. A very intimate space where we share our struggles, our stories, how we have overcome those we've faced and learned to live a better way. One moment that really impacted me was when Mr. Caleb Eller was vulnerable in front of our youth in this space when talking about his past and how the belief system ingrained in him from the streets led him to hurt others. It was a message that caught the attention of all our youth and an example of why we need our impactful community members like Mr. Caleb Eller out here in our community. He not only is impacting our youth he is also impacting community safety here in a way others never could.

CURYJ also puts on what we call **Town Nights**, where we put on events for our community between 4-8 times a year. They are big events where we engage with the community, put on shows with music, dance, cultural healing spaces, we have a kid zone and much food we give away. They are amazing events and Mr. Caleb Eller has been a big help in these spaces this year by setting up, engaging with the community and so much more. He also has been a big part of our **Monthly Mixers** where once a month we hold space with the community to share what we do and hear from them in the needs of the

community. Just yesterday we had one with over 25 youth, and 25 adults at our **Community Garden** and Mr. Caleb Eller was there again sharing his life and success with our youth. Your Honor I respect your position and the tuff decisions you make on a daily basis, and today I really hope you can find it in you to see how if Mr. Caleb Eller is incarcerated, we here in our community will be losing a pillar of strength and healing in ours. Our community is a much safer and better place with Mr. Caleb Eller out here helping our youth.

I am fully committed to helping Mr. Caleb Eller out here in any way I can. Thank you Your Honor for taking these thoughts into consideration. You can reach me at 415-535-5807 or rhunt@curyj.org.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RH' or 'Rocky Hunt'.

Rocky Hunt, Participatory Defense Coordinator
Communities United for Restorative Youth Justice (CURYJ)

Carlos Soto (341)758-0593 carlossoto@curyj.org

1946 Embarcadero, Oakland, CA 94606

490 Lake Park Avenue #16086, Oakland, CA 94610

To whom it may concern,

This letter is in regards to Caleb M.C. Eller.

My name is Carlos Soto. I work for Oaklands CURYJ organization(communities united in restoring youth justice) as a Violence Interrupter. At CURYJ we work towards transformation and liberation through a combination of individual as well as collective healing, community outreach and shifts in California policy. CURYJ is committed to unlocking the leadership potential of young people to help them dream beyond bars in order to transform our communities.

I have personally known Caleb for well over a decade and in my experience he has the desire to help others and do the right thing. There are countless times I have witnessed him doing community outreach on his own at his own expense providing the homeless population of Oakland with meals during the holidays as well as other essential needs such as socks and blankets to help combat the cold months.

I think Caleb could be an ideal candidate to participate in our Life Coach Program where mentors work with systems-impacted young people and formerly incarcerated folks to provide guidance, skill-building support, and access to concrete resources and necessities. This ongoing support enables participants to succeed .

Enrolled participants meet weekly with their coach to check in on progress, celebrate successes, and address barriers. Coaches may also act as advocates in systems navigation and refer participants to community healing events and outside resources.

CURYJ is a proud member of the National Participatory Defense Network and a founding member of the Alameda County Participatory Defense Hub. Participatory Defense was developed and created by families of Silicon Valley De-Bug's Albert Cobarrubias Justice Project. Our allies in the hub include All Of Us Or None, Young Women's Freedom Center, and Urban Peace Movement.

Dream beyond bars fellowship is another potential program we may be able to enroll him in, in order to keep him on the right path.

I look forward to working personally with Caleb and getting him enrolled in any program we can in order to help him succeed. Feel free to contact me.

Sincerely,

Carlos Soto

John G. Winters (510)679-4242

1419 34th Ave.

Oakland, CA 94601

jgwinters@ellabakercenter.org

To whom it may concern,

This letter is in regards to Caleb M. C. Eller.

I have known Caleb for several years. My family organizes an annual holiday toy drive to help serve underprivileged families in the Bay Area who have family members that are incarcerated. Caleb has consistently come out and supported us year after year with fellowship and donations. Throughout our interactions he has always presented himself as a good natured man who has continued convictions to help others.

I am currently working at the Ella Baker Center for Human Rights in Oakland California.

The Ella Baker Center for Human Rights was founded in 1996 by Van Jones and Diana Frappier. Throughout our history, we have engaged in campaigns related to civic engagement, violence prevention, juvenile justice, and police brutality.

Over the course of 25 years the Ella Baker Center has worked locally, statewide, and nationally to shift resources away from prisons and punishment and towards opportunities that make our communities safe, healthy, and strong. We mobilize everyday people to build power and prosperity in our communities.

Recently Caleb contacted me and conveyed the desire to build a strong support system and seek out opportunities and services available to him. I look forward to meeting with him in person and exploring what resources we can either provide here, or refer him to some of the organizations we partner with. If you have any questions please feel free to contact me.

Sincerely,

John G. Winters



Red Fox Hauling
Hayward, CA
(510) 803-3393
Redfoxhauling@gmail.com

To Whom It May Concern:

I am writing this letter on behalf of Caleb Eller Cardenas, who has been working with Red Fox Hauling on numerous projects since January of this year. Caleb also worked with us during the year 2020, and throughout both periods, he has consistently proven to be reliable and thorough in completing all projects assigned to him.

He is brought on for projects as needed, and whenever work is available, he demonstrates professionalism and a strong work ethic. Caleb is currently focusing on building his own business within the fitness industry, and he dedicates a significant amount of time to supporting local nonprofit organizations, further reflecting his strong sense of responsibility and community involvement.

Moving forward, Caleb will continue to have opportunities to work with us when projects arise.

Sincerely,

Owner, Red Fox Hauling

To Whom it May Concern,

My name is Jorge Gonzalez. I am a great friend and business partner to Caleb Cardenas. I have known him for many years. He is a great man and he has taught me a lot of great fundamentals to succeed in life. We have put many great things together and have many more goals to achieve. Caleb and I became business partners to a legitimate company about six months ago. In those six months we have reached and done many great things. We have come out with our own organic coffee brand, our own fitness app, our own clothing apparel, and we are currently working on our own mushroom tea. Caleb and I have done so many great things for our community, even though we live many miles away we still make the effort to drive wherever we need to make a positive impact for our youth. We worked with non profit organizations in Oakland CA, talking to the youth about our backgrounds and about how fitness changed our lives, and many other lives as well. We have done children boot camps to teach the kids about healthy eating and exercise, which they loved. We have also done community bootcamps all over the central coast and bay area to teach our youth about fitness and it can be used as a tool to change their life as well. Honestly, Caleb and I have become a great influence and have been able to get many people to turn their life around through fitness. I am proud to say Caleb and I have been a great impact on our community and they really look up to us in a positive form. I have changed my life around through fitness and so has he. Together we have spread the message of a healthy lifestyle all over the nation, and hopefully we can continue to push this lifestyle internationally.

Jorge Gonzalez





MAJOR
MARSHALL TAYLOR
NOV 26 1878 - JUNE 21 1932

Into The Field

PACKER
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11 12 13 14 15 16 17 18 19 20

LOVE
CLOVER
MILK

LOVE
CLOVER
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LOVE
CLOVER
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